



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/823,457      | 04/12/2004  | Gordon R. Knight     | 08173-009005        | 5666             |

20985 7590 05/16/2007  
FISH & RICHARDSON, PC  
P.O. BOX 1022  
MINNEAPOLIS, MN 55440-1022

|          |
|----------|
| EXAMINER |
|----------|

CHU, KIM KWOK

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2627

|           |               |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

05/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/823,457

**Applicant(s)**

KNIGHT ET AL.

**Examiner**

Kim-Kwok CHU

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 08/846,916.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless--  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

2. Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kulakowski et al. (U.S. Patent 5,303,214).

3. Kulakowski teaches a system for data storage having all of the elements and means as recited in claims 1 and 11. For example, Kulakowski teaches the following:

(a) with respect to Claim 1, a cartridge 22 to enclose a disk 25 capable of storing data and to have a cartridge door to permit access to a disk surface of the disk 25 (Fig. 16; column 5, lines 5-10); a carrier 20 structured to enclose the cartridge 22 and have a carrier door to permit access to the cartridge 22 (Fig. 7; column 5, lines 2-10), the carrier 20 including an electronic element (bar code label) to have updatable information about contents of data in the disk 25 enclosed in the cartridge 22 (Figs. 13 and 16), a display 50 operable to display the updatable information (Fig. 10), and a user control (keyboard) 50 to control which portion of the information is displayed (Fig. 10; various part of

barcode information is selected and displayed); a locking element 75, 76 (gripper-slots) operable to lock the cartridge 22 within the carrier 20 (Fig. 16; column 7, lines 11 and 12); a disk drive (motor means) to receive the carrier 20 and the cartridge 22 (Fig. 10); a detection unit (sensors and controls) within the disk drive to detect that a carrier 20 has been received at least partially within the disk drive (Fig. 18); and a transfer unit (motor means) within the disk drive to transfer a cartridge 22 from within the carrier 20 to an interior of the disk drive (Figs. 17 and 18; selecting a disk among the cartridge library).

4. Claim 11 has limitations similar to those treated in the above rejection, and is met by the reference as discussed above.

5. Kulakowski teaches a cartridge system for data storage having all of the elements and means as recited in claims 2-10. For example, Kulakowski teaches the following:

(a) with respect to Claim 2, a recording medium 25 (Fig. 16); a cartridge 22 enclosing the recording medium 25 (Fig. 16), the cartridge 22 having a cartridge door to permit access to the recording medium 25 (Fig. 7); an electronic element in the cartridge 22 having updatable information (bar code) indicative of contents of data in the recording medium 25 enclosed in the cartridge 22 (Fig. 13); a display 44 located in (positioned) the cartridge 22 operable to display the data (Fig. 14B; barcode label is displayed); and a user control for controlling (attaching/scanning) which portion of the information is displayed (Fig. 14B; label is updated by a user).

(b) with respect to Claim 3, the electronic element stores at least one of a file directory, a file size, or a date (Fig. 13; bar code information used in a disk library).

(c) with respect to Claim 4, a power supply 135 for the electronic element (Fig. 18).

(d) with respect to Claim 5, the power supply is a battery 131 (Fig. 18).

(e) with respect to Claim 6, the user control (attaching/scanning) includes at least one button (Fig. 10; a button is used as a control means).

(f) with respect to Claim 7, the recording medium 25 is a disk (Fig. 16).

(g) with respect to Claim 8, the recording medium is a tape (Fig. 8).

(h) with respect to Claim 9, the recording medium is a hard drive (Fig. 17).

(i) with respect to Claim 10, a carrier enclosing the cartridge 22, the carrier 20 including a display 50 operable to display data (Fig. 10).

#### ***Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kleinschnitz (5,546,315) is pertinent because Kleinschnitz teaches an optical disc library system.

Thweatt (5,721,655) is pertinent because Thweatt teaches a display means for labeling a removable media cartridge.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington, can be reached on (571) 272-4483.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

Kim-Kwok CHU  
*KK* 5/10/2007  
Examiner AU2627  
May 10, 2007  
(571) 272-7585

  
ANDREA WELLINGTON  
SUPERVISORY PATENT EXAMINER